

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

WAYNE NELSON CUNDAY,

Plaintiff,

NO. CV-07-0046-LRS

vs.

## ORDER OF DISMISSAL

DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES OF  
WASHINGTON STATE,

Defendant.

The *pro se* plaintiff, now proceeding *in forma pauperis*, filed a *pro se* complaint in the form of an appeal of an Order from the Supreme Court of Washington State dated January 3, 2007. The Court determined that plaintiff's complaint was not sufficient under Fed. R. Civ. P. 8(a) in its Order entered May 31, 2007. Plaintiff was directed to file a First Amended Complaint. Plaintiff did so on June 28, 2007, however, the "Amended Complaint," Ct. Rec. 10 is nearly identical to the original complaint and fails to minimally satisfy Rule 8(a).

**IT IS ORDERED** that the above-titled case be dismissed without prejudice and the file be closed in this matter. **The telephonic scheduling conference set for October 2, 2007 is VACATED.**

**IT IS SO ORDERED.** The District Court Executive is directed to file this Order and provide a copy to counsel of record and Plaintiff.

**DATED** this 25th day of September, 2007.

*s/Lonny R. Suko*

LONNY R. SUKO  
UNITED STATES DISTRICT JUDGE

ORDER OF DISMISSAL